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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,865	01/18/2002	Mario Saggio	00-CT-320	5366

25235 7590 03/18/2003  
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EXAMINER

IM, JUNGHWA M

ART UNIT PAPER NUMBER

2811

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/053,865

Applicant(s)

SAGGIO ET AL.

Examiner

Junghwa M. Im

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

New corrected drawings are required in this application because Fig. 1, 1A and 4A should be marked as 'Prior Art'. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by the disclosed prior art to Festa (US 4,110,775)

Regarding claims 1, 3, 8 and 9, Festa show in Fig. 2 Schottky barrier diode comprising:  
a substrate region (20) of a first conductive type ( $n^+$ ) formed in a semiconductor material layer (21) of the same conductivity type (n); a metal layer (24); and at least two doped regions (26) of a second conductive type (p) formed in said semiconductor material layer, each one of said doped regions being disposed under said metal layer and being separated from the other doped region and said substrate region by the portions of said semiconductor layer.

Regarding claim 2, Festa teaches in starting col. 3, line 8 that the epitaxial region 21 has

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less doping concentration compared to the second conductivity body 26 and the current flowing path Y in the epitaxial region has less thickness than the second conductivity body X in Fig.4.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. (US 6,184,545, hereafter Werner) in view of Festa.

Regarding claims 1, 3, 8 and 9, Werner et al. show, in Fig. 2, Schottky barrier diode comprising:

a substrate region (5) of a first conductive type ( $n^+$ ) formed in a semiconductor material layer (4) of the same conductivity type ( $n$ ); a metal layer (2); and at least two doped regions (8, 10) of a second conductive type ( $p$ ) formed in said semiconductor material layer, each one of said doped regions being disposed under said metal layer and being separated from the other doped region by the portions of said semiconductor layer.

Werner does not teach that the doped region with the second conductivity is separated from the substrate. However, Festa shows in Fig.2 that the doped bodies with the second conductivity is separated from the substrate. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Festa with the device of

Werner since the breakdown voltage of PN junction can be controlled through adjusting a distance between the substrate and the doped body as recited in col. 3, lines 4-8 of Festa's reference.

Regarding claim 2, Werner teaches that conducting-state current flow is through zones (9), so zones must have a lower resistance than the doped regions (8), because current flows along the lowest resistance path (col. 4, lines 19-21).

Regarding claim 4, Werner teaches in Fig. 2, the doped regions comprises respective body region (8).

Regarding claim 5, Werner shows the doped regions comprise doped regions that equalize the charges in the semiconductor material (col. 4, line 37-43).

The "charges" are read as mobile charge carriers which are "equalized" because the reference teaches that there are no positive carriers and no negative carriers.

Regarding claim 6, Werner shows in Fig. 2, the body regions (8) comprises heavily doped body regions (10) having the same conductivity type (p) of the doped regions.

Regarding claim 7, Werner et al. show the most aspect of pending claim except that the semiconductor material comprises a resistivity value lower than five ohm-cm for a breakdown voltage higher than 200V.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention made to have an intended resistivity value for a breakdown voltage recited in pending claim, since it would have been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only in routine skill in the art. *In re Aller*, 105 USPQ 233

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Higher breakdown voltage would have been obvious in order to allow device operation at higher voltages. In addition, Festa teaches how to control the breakdown voltage in col. 3, lines 4-8.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junghwa M. Im whose telephone number is (703) 305-3998. The examiner can normally be reached on MON.-FRI. 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (703) 308-2772. The fax phone numbers for the

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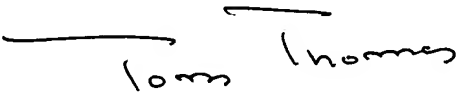
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organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

jmi  
March 10, 2003

  
TOM THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800